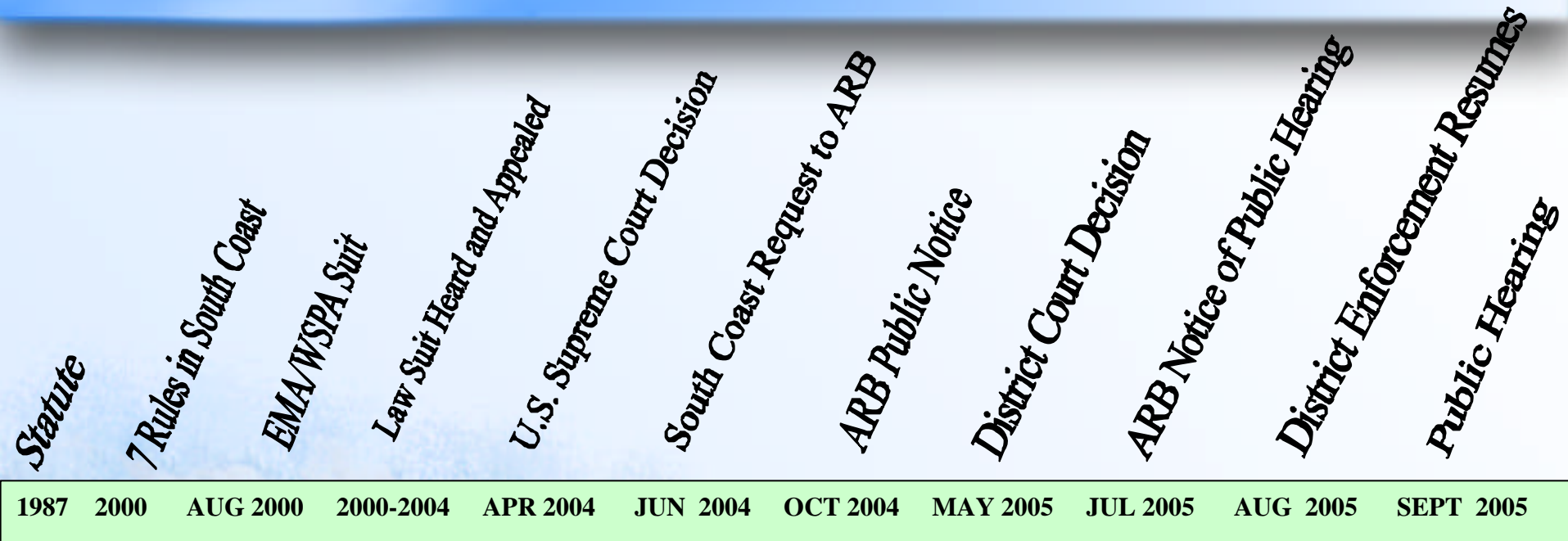


BACKGROUND & OVERVIEW

**ARB Fleet Rules for the
South Coast Air Quality
Management District**

CHRONOLOGY



2000

Public Interest and Policy Implications

2005

SCAQMD AUTHORITY

- Health & Safety Code 40447.5 (1987)
 - Grants Authority for Fleet Rules
 - Requires Alt Fuel Use in Fleets
 - Applies to Fleets of 15 or More

7 SCAQMD RULES

- 1191 Light, Med-Duty Public Fleets
- 1192 Transit Buses
- 1193 Refuse Collection
- 1194 Airport Ground Access
- 1195 School Buses
- 1196 Heavy-Duty Public Fleets
- 1186.1 Street Sweepers

EMA/WPSA LAWSUIT

- Federal Clean Air Act Preemption under Section 209(a)
- Bars States or localities from adopting standards for new motor vehicles or engines

SECTION 209(a)

“No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part.”

PREEMPTION ARGUMENT

Purchase Requirements
=
Motor Vehicle Standards

U.S. SUPREME COURT

(April 2004)

- Section 209(a) preemption applies to some of the District fleet rules
 - Standards include more than “tailpipe” limits
 - A standard is a standard even when not directed at manufacturers
 - Fleet rules may not be preempted if “internal state purchase decisions”

SCAQMD WAIVER REQUEST

(June 2004)

- CA only state that may set motor vehicle standards
- CA allowed to seek a waiver of preemption under 209(b)
- ARB Executive Officer asked to request waiver on South Coast's behalf (HSC §39516)

COMMENT PERIOD

(Oct 1-Nov 15 2004)

- >3,000 comments received
- Should ARB seek waiver?
- Is waiver for South Coast fleet rules a substantive change in policy?

POLICY DEBATE

- **Fleet Rule Opponents**
 - Bad public policy
 - Contrary to fuel neutrality
 - Diesel excluded even if clean
- **Fleet Rule Supporters**
 - Encourages fuel diversity
 - Rules are emissions neutral
 - Alt-fueled vehicles are cleaner

U.S. EPA VIEW

- Must be state regulations
- Should be performance-based
- Not within scope of previous waiver
- Not consistent with national policy

OVERLAY/BACKSTOP RULES

- Began development February 2005
- Cover school buses, trash trucks and transit buses
- Consistent with U.S. EPA advice
- Many meetings and workshops

DISTRICT COURT RULING

(May 2005)

- Market participation theory applies to government purchases
- District may regulate public entities
- SCAQMD authority over federal fleets and private contractors to public agencies not addressed

LOCAL ENFORCEMENT

- SCAQMD never stopped regulating public agencies
- Resumed enforcement against private contractors to public agencies August 2005
- Not enforcing on federal agencies or purely private operators

TODAY'S HEARING

Consider benefits of overlaying District
fleet rules with ARB backstop rules

Consider federal waiver constraints

Consider public comments